IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5998 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RH SHARMA

Versus

D.G.P

Appearance:

Mr. B.P. Gupta for Mr.Y.N. oza for petitioner.

Mr. L.R. Pujari, AGP for Respondents.

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 03/08/2001

ORAL JUDGEMENT

In this petition the petitioner has been praying for a direction to the respondents to grant deemed date of promotion to the post of Police Inspector from the post of P.S.I. with effect from 8-5-1973 when his immediate junior came to be promoted.

2. The say of the petitioner is that he was

appointed as a Police Inspector at Porbandar. He joined in service of the Police Department in the year 1963, i.e. on 1.1.1963 and joined the Police Training School. On 6.2.1986 he was confirmed in the police service of the respondents but the respondents have not been giving deemed date of promotion as Police Inspector. The petitioner came to be promoted as Police Inspector from 9.5.76 from the post of Police Sub-Inspector though his immediate junior came to be promoted as Police Inspector with effect from 8.5.1973. The respondents filed affidavit-in-reply and stated that the petitioner was appointed as Police Sub-Inspector with effect from 1.7.1964; that due to adverse remarks in the confidential report of the petitioner his name was not brought on the select list by the Departmental Promotion Committee in the year 1972-75 and ultimately his name was brought on the select list by the Departmental Promotion Commitee which met in the month of August, 1976 and the petitioner was promoted as Police Inspector with effect from 5.9.1976; that the criteria for promotion was `proved merit' and not `seniority-cum-merit', and therefore Shri P.J. Desai who was junior to the petitioner was promoted from 25-8-1973 in consonance with the provisions of the Recruitment Rules applicable to the post of Police Inspector; and that the petitioner was thereafter promoted to the post of Deputy Superintendent of Police and has retired as such on 31.7.1999.

3. It will be seen, that the adverse entries came to be recorded in the service record of the petitioner and he was not brought on the select list by the Departmental Promotion Committee in the year 1972-75 and junior Mr. Desai, who satisfied the requirement and the criterion, was promoted as the Police Inspector.

4. In view of the above, there is no merit in the contention as regards the deemed date prayed in the petition and the petitioner was subsequently promoted as Police Inspector with effect from 5.9.1976 and further promoted as Deputy Superintendent of Police. In view of the above, the petition, being devoid of substance, is rejected. Rule is discharged.

[N.G. Nandi, J.]

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